

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_ )

MDL No. 2419

Dkt. No 1:13-md-2419 (RZW)

THIS DOCUMENT RELATES TO: )  
)

All Cases )  
\_\_\_\_\_ )

**The Tennessee Defendants’**  
**Motion for Extension of Time to Respond to**  
**the PSC’s Motion for Entry of ESI and Deposition Protocols**

Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John W. Culclasure, MD; Debra V. Schamberg, RN; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; and Kenneth Lister, MD, PC (collectively “the Tennessee Defendants”), with the assent of the Plaintiffs’ Steering Committee (“PSC”), move for an extension of time to March 14, 2014, to file their reply to the PSC’s FRCP 56(d) Response to the Tennessee Defendants’ Motion for Summary Judgment [Dkts. 948, 949].

In support of their Motion, the Tennessee Defendants state as follows:

1. The Tennessee Defendants and the PSC agreed to a joint briefing schedule for the Tennessee Defendants’ Motion for Summary Judgment and submitted it to the Court for entry [Dkt. 845].

2. The parties inadvertently omitted a proposed deadline for the Tennessee Defendants to file a reply to the PSC’s FRCP 56(d) response to their motion for summary judgment.

3. Local Rule 56.1 requires responses to motions for summary judgment to be filed within 21 days of service of the motion. The Tennessee Defendants agreed to give the PSC 45 days to respond.

4. Under Local Rule 56.1, the Tennessee Defendants' reply would be due on March 10, 2014, 14 days after service of the response. The Tennessee Defendant's requested extension only extends the deadline by four (4) days.

5. The brief extension will allow the parties to more thoroughly brief the issue for the Court.

6. The PSC assents to this brief extension.

For the foregoing reasons, the Tennessee Defendants respectfully request, with the assent of the PSC, that the Court extend the deadline for responding to the PSC's FRCP 56(d) Response to the Tennessee Defendants' Motion for Summary Judgment [Dkts. 948, 949] to March 14, 2014.

Respectfully submitted,

**GIDEON, COOPER & ESSARY, PLC**

/s/ Chris J. Tardio

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<sup>1</sup> Admitted pursuant to MDL Order No. 1.

<sup>2</sup> Admitted *pro hac vice*.

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 26th day of February, 2014.

/s/ Chris J. Tardio  
**Chris J. Tardio**